

**ENTERED**

January 27, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

§ CRIMINAL ACTION NO. 4:21-cr-588

ANTHONY HUTCHISON and  
BRIAN BUSBY,

*Defendants.*

**ORDER**

The Court has before it the issue of contact between the Defendants and potential witnesses. This issue has two subparts. First, the Defendants are under pretrial release orders (Doc. Nos. 12 & 14) to avoid all contact with potential witnesses, but they claim that they do not know the identity of the witnesses so they do not know whom to avoid. They would like a list of persons that they are not to contact. Second, Defendants' counsel want free rein to interview witnesses, but, more importantly, they want their clients to be able to accompany them on the interviews to help them understand the issues that are involved, to interpret what certain documents mean, and in order to understand what evidence there is to gain. While the Government is always concerned about the potential for witness tampering, it is especially concerned in the instant case where the indictment includes at least two counts of witness tampering.

The Court hereby amends the Orders Setting Conditions of Release as to Defendants Brian Busby and Anthony Hutchison.

Both Defendants may accompany their counsel when counsel interview potential witnesses. Neither Defendant may address the witness nor discuss the case in front of the potential witness. They may confer with their respective lawyer, but not in a manner that the

potential witness can hear. Counsel are instructed to ensure this order is complied with, and if there is a violation, the Court will hold both the Defendant and his attorney responsible. The Court also reiterates that any witness that is represented by counsel, be they a Defendant or not, may not be interviewed outside the presence of their lawyer.

The Government shall provide the names of any potential witnesses if possible. The Court is aware that the investigation of the facts is ongoing for both sides and the Government may not be aware of the identity of every potential witness. In such case, in order to accommodate the Defendants' request for a list of those persons to avoid, the Government shall provide the Defendants with the identity of potential witnesses, and for those whose identity has not been pinpointed, the Government shall identify each department or group of the Houston Independent School District (or any other relevant employer) that employs that potential witness, and the Defendants shall not contact anyone in those groups except as provided for above or as provided for by earlier Court orders. This list shall be provided by February 18, 2022.

SIGNED at Houston, Texas this 26th day of January, 2022.



Andrew S. Hanen  
United States District Judge